

**REMARKS**

Claims 1-12 are pending in the present application. Claim 1-12 have been rejected under 35 U.S.C. § 102(e) over Tsurushima *et al.* (US2001/0047256 A1). Reconsideration of the present application is respectfully requested in light of the below remarks.

Claims 1-12 have been rejected under 35 U.S.C. § 102(e) over Tsurushima. Applicants respectfully traverse this rejection.

As argued in the response to the previous Office Action, claims 1, 6 and 7 explicitly require that “the bit allocation is performed using a weighting table.” Applicants once again respectfully submit that this feature of the present invention is neither taught nor suggested by Tsurushima.

Tsurushima discloses a CPU-intensive bit allocation method that requires using a psychoacoustic model, analyzing FFT data, calculating masking effects, and the like. (See Tsurushima at paragraphs 135-139). In contrast to Tsurushima’s CPU-intensive method, Applicants’ method for bit allocation is performed using a weighting table. By virtue of the recited use of a weighting table (sometimes referred to as a ‘lookup table’), the efficiency of a system is increased by reducing the number of calculations to be performed by the CPU.

On page 3 of the Office Action, the Examiner rejected the “weighting table” element in claim 1 referring to paragraphs 137 to 149 and Figure 14, elements 532 and 530 of Tsurushima. Applicants respectfully disagree that this, or any section of Tsurushima teaches the use of a weighting table as recited in independent claims 1, 6 and 7. In contrast to the present invention, the convolution filter circuit 523 in Tsurushima uses a “weighting function”. (See Tsurushima at para. [0139]) In the “Response to Arguments”, the Office Action maintains the rejection as follows: “a preset weighting function (weighting table)”.

Tsurushima fails to teach using a “weighting table” for performing bit allocation. As a matter of fact, the use of tables is nowhere mentioned in Tsurushima. Applicants respectfully submit that Office Action’s attempt to equate Tsurushima’s “weighting function” with Applicants’ claimed “weighting table” is in error. There is no support or teaching in Tsurushima

for equating the claimed weighting table with a preset weighing function, and the Office Action's parenthetical remark adds none.

As described in the present specification, systems such as Tsurushima which use functions instead of tables suffer for significant processor slowdowns when processing large amounts of data. The present invention solves the problems experienced by systems such as Tsurushima.

Withdrawal of the rejection of independent claims 1, 6 and 7 on the basis of Tsurushima is therefore respectfully requested.

Claims 2-5 are dependent on and include all of the limitations of base claim 1. Claims 8-11 are dependent on and include all of the limitations of claim 7. Therefore, all of the above arguments regarding independent claim 1 and 7 apply equally to dependent claims 2-5 and 8-11.

Claim 12 explicitly requires "performing bit-allocation to allow a sub-band signal having a frequency band that is most humanly perceptible to be allocated with the largest number of bits." Applicants respectfully submit that this feature of the present invention is neither taught nor suggested by Tsurushima, for the reasons set out in the Applicants prior remarks in its last response. The Office Action is wholly silent on the Applicant's remarks, reproduced below, choosing instead to simply repeat the rejection on page 4.

On page 4 of the Office Action, paragraphs 107 to 115 of Tsurushima are again cited as anticipating the above-mentioned limitation in claim 12. Applicants respectfully disagree. In the cited portions, Tsurushima teaches that "a higher bit rate of 147 kbps is used for a channel handling the crucial sound, such as speech. On the other hand, 2kbps at most is allocated for a channel which is not crucial." (Tsurushima para. [0113]).

As clearly disclosed in paragraph [0113], Tsurushima's bit apportionment schemes are directed to **channel** bit allocation, not "a sub-band signal having a frequency band that is most humanly perceptible," as distinctly recited in claim 12. Channel bit allocation is different from a

sub-band signal, because a channel may contain all frequency bands, or may not contain “a frequency band that is most humanly perceptible,” as required by independent claim 12.

Also, Tsurushima uses bit masking to correct (or compensate for) the noise level of filtering. Tsurushima defines masking as the phenomenon wherein, due to the psychoacoustic characteristics of the human ear, certain signals become inaudible because they are masked by other signal(s). (Tsurushima para. [0139]). As a result, as shown in Fig. 16, because the human ear is more sensitive in the middle range of the audio frequency range (B5 through B10 in Fig. 16), the masking phenomenon is more prevalent in that range. Therefore, as disclosed in paragraph [0139] of Tsurushima, “any noise present in a masked portion becomes inaudible.” In effect, Tsurushima ignores audio information in the most humanly audible frequency range because that audio information falls in a *masked portion*. Such a method is different, if not completely opposite to “performing bit-allocation to allow a sub-band signal having a frequency band that is most humanly perceptible to be allocated with the largest number of bits,” as recited in claim 12.

Furthermore, as opposed to Applicants’ claimed invention, Tsurushima teaches that, when restricting the high-efficiency coding data of two or more channels in a certain bit rate, the amount of bit allocation for every channel is determined by taking other channels into consideration. (Tsurushima paras. [24; 47; and 107-110]). In contrast to what is taught by Tsurushima, in Applicants’ claimed invention, there is no necessity for the correlation with other channels to be taken into consideration. A claimed embodiment of the present invention aims at conducting low-operation quantification of the psychoacoustic analysis during the high-efficiency coding process of the audio signal.


For any of the above-mentioned reasons, withdrawal of the rejection of claim 12 is respectfully requested.

In view of the above remarks, applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

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